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| 09/580,563      | 05/30/2000  | Kevin Peter Picott   | 1252.1051           | 1726             |

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EXAMINER

GOOD JOHNSON, MOTILEWA

ART UNIT PAPER NUMBER

2677

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/580,563

Applicant(s)

PICOTT, KEVIN PETER

Examiner

Motilewa Good-Johnson

Art Unit

2677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17,18,21 and 22 is/are allowed.
- 6) ☒ Claim(s) 1-3,5-8,19,20 and 23-26 is/are rejected.
- 7) ☒ Claim(s) 9-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-8, 19-20 and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Getzinger, U.S. Patent Number 4,972,314 in view of Bianchini, U.S. Patent 5,684,807.

Regarding claim 1, Getzinger discloses a method, comprising: evaluating a dependency graph of a graphics creation process using a computer (col. 4, lines 63-67), comprising: passing a pointer to an algorithm associated with a first dependency node to a second dependency node (col. 9, lines 41-45)

However, it is noted that Getzinger fails to disclose allowing the second dependency node to execute the algorithm; and executing the algorithm as a part of an evaluation of the second dependency node to implement the graphics creation process.

Bianchini discloses a diagnostic system for a network of nodes including a text assignment (col. 7, lines 1-13). Bianchini further discloses allowing the second dependency node to execute the algorithm; and executing the algorithm as a part of an evaluation of the second dependency node (col. 6, lines 16-47)

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the algorithm of Getzinger, executing the algorithm as part of the evaluation of the second node, as disclosed in Bianchini, to perform diagnostic testing of the nodes before execution of the nodes with real input data to locate faulty nodes.

Regarding claim 2, Bianchini discloses algorithm comprises a self-evaluating data structure (table 6 and 7)

Regarding claim 3, Getzinger discloses algorithm comprises an algorithm having a defined set and type of inputs and outputs (col. 9, lines 41-42)

Regarding claim 5, Getzinger discloses structure comprises an algorithm calling method (col. 36, lines 13-17)

Regarding claim 6, Getzinger discloses evaluating comprises determining a type of a passed parameter (col. 10, lines 22-28)

Regarding claim 7, Getzinger discloses the algorithm parameter types are identified dynamically as the dependency graph is executed (table VIII)

Regarding claim 8, Bianchini discloses wherein the data structure contains information describing a set of input and output parameters the algorithm accepts (table 1)

As per independent claims 19-20, they are rejected based upon similar rational as above independent claim 1.

As per independent claim 23-26, they are rejected based upon similar rational as above independent claim 1.

### ***Allowable Subject Matter***

3. Claims 17, 18, 21 and 22 are allowed.
4. Claims 9-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. The following is a statement of reasons for the indication of allowable subject matter: The prior art cited fails to render obvious a first and second algorithm, and describing a set of information the input and output parameters the algorithm accepts.

### ***Response to Arguments***

6. Applicant's arguments filed have been fully considered but they are not persuasive.

Applicant argues that Getzinger and Bianchini both fail to disclose implementing a graphics creation process, passing a pointer to an algorithm associated with a first dependency node to a second dependency node, and executing the algorithm as part of an evaluation of the second node. Getzinger discloses the arithmetic processors are used for single instruction and used in the graph scheduling and processing, col. 7, lines 33-49. Bianchini discloses adaptive distributed diagnosis for node networks and in which a node is able to execute an algorithm in communication with a network (col. 2,

lines 25-29. It is therefore the interpretation of the Examiner that the invention of Getzinger allows for the data flow processing in which task are performed under a processing architecture and that Bianchini further allows for the second dependency node to execute the algorithm; and executing the algorithm as a part of an evaluation of the second dependency node (col. 6, lines 16-47).

Applicant further argues that Getzinger and Bianchini fail to disclose executing an algorithm with a first via the second node as part of an evaluation of the second node and reexecuting the algorithm via the second node each time data of the second node changes. Bianchini discloses the adaptive DSD algorithm, which is executed at each node, and further a diagnose algorithm performed at each node with t testing stages at each node when the previous round or test results are faulty, col. 8, lines 31-55, and an extra test for each node who state changes from faulty to fault free, col. 8, lines 64-67, which Examiner interprets as re-executing the algorithm given new data of the second node.

Applicant argues that Getzinger and Bianchini fail to disclose calling the algorithm via the second dependency node to a second dependency node and executing the algorithm as part of an evaluation of the second dependency node. Getzinger performs call programs for the arithmetic process for micro-programmed signal processing.

7. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies

(i.e., implement a graphics creation process part of a dependency graph without requiring knowledge of any other nodes within the graph and allow change of inputs before or during algorithm execution) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Conclusion***

**8. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Motilewa Good-Johnson whose telephone number is

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(571) 272-7658. The examiner can normally be reached on Monday, Tuesday and Wednesday 9:00 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on (571) 272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Motilewa Good-Johnson  
Examiner  
Art Unit 2677

mgj

AMR A. AWAD  
PRIMARY EXAMINER  
